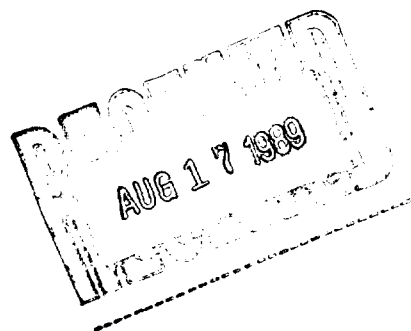




The Sherwin-Williams Company  
101 Prospect Avenue, N.W.  
Cleveland, Ohio 44115-1075

August 14, 1989

Michael Berman, Esq.  
U. S. Environmental Protection Agency  
Region V  
230 South Dearborn Street  
Chicago, Illinois 60604



Re: Fields Brook Site

Dear Mr. Berman:

This letter is in response to your letter of June 20, 1989, relating to EPA's demand for past costs on the Fields Brook Site.

As discussed in our letter of April 21, 1989, in response to EPA's issuance of an Administrative Order relating to the Fields Brook Site (enclosed), there is no legal or technical basis for EPA to issue an Administrative Order or to seek past costs against Sherwin-Williams for the Fields Brook Site. Issuance of the request for payment reflects an arbitrary policy decision by EPA to have Sherwin-Williams pay for the contamination caused by other companies at the site. Sherwin-Williams vigorously denies liability for any response costs at the site.

Sherwin-Williams' brief operations at the site (from 1968 to 1974) have not contributed to site contamination. As discussed at the April 11, 1989 meeting of Sherwin-Williams and EPA representatives, EPA technical staff agreed that there is no evidence that Sherwin-Williams released PCBs or organics. The EPA letter incorrectly states that the PRPs at this site are subject to joint and several liability for the response costs. It is clearly appropriate to apportion costs at this site where the harm is divisible. In addition, EPA has no basis to request Sherwin-Williams to pay for the enormously greater risk factors and expense associated with organics and PCBs.

Nonetheless, in an effort to resolve this matter, Sherwin-Williams is willing to offer \$10,096.69 in response to EPA's demand letter. In making our offer, we divided the amount of the




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EPA demand by 32 (the number of PRPs which received the demand letter) to get \$30,290.08, and then took one-third of \$30,290.08. This offer reflects our comments that (1) EPA has no legal or technical basis to seek past costs; (2) Sherwin-Williams only operated one plant from 1968 to 1974; and (3) Sherwin-Williams did not contribute to site contamination, including those hazardous substances which substantially increase site remediation costs. In addition, EPA has ample evidence on those companies which are major contributors of hazardous substances to the site and which should be liable for past costs.

This offer does not constitute an admission of liability or a waiver of any defenses, including the right to challenge EPA's costs.

Very truly yours,

  
Allen J. Danzig  
Corporate Counsel

AJD/ck

Enc.

✓cc: Victor Hyatt